

REMARKS

Claims 21-56 are pending. By this amendment, claims 36 and 39 are amended, and new claims 57-84 are added. Following entry of this amendment, claims 21-84 will be pending. No new matter is added. Support for the amendments is found throughout the specification and originally filed claims. Entry of this amendment is respectfully requested.

With respect to all new and cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any objection and/or rejection made by the Office. Applicants expressly reserve the right to pursue prosecution of any subject matter not presently claimed in one or more future or pending continuation and/or divisional applications.

Restriction requirement

The Examiner has required restriction of the claims to one of the following groups under 35 U.S.C. §121:

- I. Claims 21-35 and 40-56, drawn to a method of producing a host cell, classified in class 435, subclass 455.
- II. Claim 38, drawn to a method of producing a product of interest, classified in class 435, subclass 69.1.
- III. Claims 36-37 and 39, drawn to a product host cell, classified in class 435, subclass 325.

Applicants hereby elect, without traverse, Group III (claims 36, 37, and 39). Applicants expressly reserve the right under 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of the instant application. Applicants note that new claims 57-84 are directed to product host cells. Applicants respectfully submit that these new claims are properly examinable with the elected Group III claims.

Applicants request rejoinder of withdrawn process claims that depend from or otherwise include all of the limitations of allowable product claims, in accordance with the provisions of MPEP § 821.04. Applicants note that the Examiner stated in the Office Action that the claims of Group I and III would be rejoined when the claims of Group II are found allowable.

SUMMARY

An action on the merits of these elected claims and a Notice of Allowance thereof are respectfully requested. In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to our **Deposit Account No. 07-0630**.

Respectfully submitted,

Genentech, Inc.

DATE: January 30, 2006

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